

ORIGINAL

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Before the  
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

OCT 31 1991

Federal Communications Commission  
Office of the Secretary

In the Matter of )  
 ) RM-  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(Millinocket, Maine) )

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

PETITION FOR RULE MAKING

Katahdin Communications, Inc. ("Petitioner"), licensee of Station WSYF-FM, Millinocket, Maine, by its counsel, hereby petitions to substitute Channel 236C1 for Channel 235C2 at Millinocket and to modify the license of Station WSYF-FM, accordingly. In support hereof, the following is shown:

1. As demonstrated in the attached Engineering Statement of Communications Technologies, Inc., Channel 236C1 can be allotted to Millinocket at the licensee's current site without any other changes required to the FM Table of Allotments. The attached spacing study indicates a short spacing to vacant Channel 236A at Bon Accord, New Brunswick, Canada. To eliminate this short spacing, Petitioner hired a Canadian engineering firm to contact the Canadian Department of Communications concerning

the possibility of a substitute channel at Bon Accord. As stated in the attached letter from the head of the Canadian Department of Communications, the Canadian government has already processed this coordination and finds the allotment of Channel 236C1 to Millinocket and the substitution of Channel 214A for Channel 236A at Bon Accord acceptable. Therefore, petitioner urges the Commission to commence official coordination with Canada to modify the Working Arrangement. Channel 234B is also listed in the letter as a proposed allotment to Bon Accord. Channel 234B would become available to Bon Accord if the Commission approved the deletion of Channel 235C2 from Millinocket.

2. This request was previously sent to the Allocations Branch in a Petition for Rule Making filed on December 26, 1990. The petition was returned due to the stated failure of petitioner to make "a sufficient public interest showing to justify such a request."

3. Petitioner believes that the public interest would be served by the proposed substantial increase in coverage area resulting from an upgrade in the facilities from the current 23.55 KW at 210.8 meters HAAT to a maximum 100 kW at 299 meters HAAT for Class C1. This area of northern central Maine has few radio services.

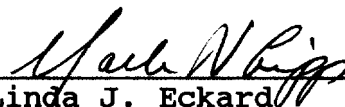
4. The Commission has recognized the substantial public interest benefits of upgrading existing stations to higher class channels. See, Modification of FM and TV Station Licenses, 98 FCC 2d 916 (1984); Modification of FM Broadcast License to Higher Class Co-Channel or Adjacent Channels, 60 RR 3d 114 (1986). See also Alma and Dublin, Georgia, 4 FCC Rcd 3594 (1988), "there is an inherent public interest benefit in the upgrading of stations to the maximum extent possible because upgrades permit service to a greater number of people. See, Grundy Center, Iowa, 3 FCC Rcd 3965 (1988)."

5. In reviewing the Commission's letter, Petitioner believes that the Commission may require a more extensive public interest showing than increased area when seeking a substitution of a Canadian channel. Thus, Petitioner has taken the extra step of obtaining a letter from the Canadian government expressing its willingness to consent to this proposal to substitute channels at Bon Accord. The instant request asking that the Commission seek Canadian concurrence in a substitute channel is not an extraordinary procedure, particularly in view of Canada's advance indication of its approval. See, Corinth, New York, et al., (May 25, 1990). Thus, Petitioner requests the Commission to commence coordination proceedings with the Canadian government seeking the proposed substitution of channels at Bon Accord.

6. Accordingly, Katahdin Communications, Inc., respectfully requests the Commission to issue a Notice of Proposed Rule Making to substitute Channel 236C1 for Channel 235C2 at Millinocket, Maine, and to modify the license of Station WSYF-FM, accordingly.

Respectfully submitted,

KATAHDIN COMMUNICATIONS, INC.

By:   
Linda J. Eckard  
Mark N. Lipp

MULLIN, RHYNE, EMMONS AND TOPEL, P.C.  
1000 Connecticut Avenue, NW, Suite 500  
Washington, D.C. 20036  
(202) 659-4700

Its Counsel

October 31, 1991



Gouvernement du Canada  
Ministère des Communications

Government of Canada  
Department of Communications

Ottawa, Canada  
K1A 0C8

Votre référence Your file

Notre référence Our file

6116-2 (DBC-E)

September 4, 1991

Elder Engineering Inc.  
P.O. Box 10  
King City, Ontario  
L0G 1K0

Dear Mr. Elder:

This is further to last and this year's conversations concerning WSYY's plans to increase facilities. At mid-August, the following changes to Tables A and B of the Working Arrangement were acceptable:

<u>Location</u>	<u>Channel n°</u>	
	<u>Delete</u>	<u>Add</u>
WSYY Millinocket, ME	235C2	236C1
Bon Accord, NB	236A	214A, 234B

Yours truly,

S.J. Zeitouni  
Head  
FM Broadcast Engineering

Canada



**ENGINEERING STATEMENT REGARDING  
PETITION FOR RULEMAKING  
AMENDMENT TO SECTION 73.202(B) OF THE FCC RULES  
TO SUBSTITUTE CHANNEL 236C1  
FOR CHANNEL 235C2 AT  
MILLINOCKET, MAINE AND**

**SUBSTITUTE**

**CHANNELS 214A AND 234B  
FOR CHANNEL 236A AT  
BON ACCORD, NEW BRUNSWICK**

**AUGUST 1991**

ENGINEERING STATEMENT REGARDING  
PETITION FOR RULEMAKING  
AMENDMENT TO SECTION 73.202(B) OF THE FCC RULES  
TO SUBSTITUTE CHANNEL 236C1  
FOR CHANNEL 235C2 AT  
MILLINOCKET, MAINE AND

SUBSTITUTE

CHANNELS 214A AND 234B  
FOR CHANNEL 236A AT  
BON ACCORD, NEW BRUNSWICK

AUGUST 1991

This Engineering Statement has been prepared on behalf of **Katahdin Communications, Inc.**, licensee of FM broadcast station WSYX, Millinocket, Maine. This statement is in support of a Petition for Rulemaking to amend *Section 73.202(b)* of the Rules and Regulations, to substitute Channel 236C1 (95.1 MHz) for Channel 235C2 (94.9 MHz), at Millinocket, Maine in order to facilitate an upgrade for the WSYX facilities.

The proposal requires Canadian concurrence, therefore, it has been reviewed by the DOC's FM engineering section. Provisional concurrence has been granted on the basis that the Commission, in conjunction with the Millinocket, Maine proposal, approve the substitution of Channel 214A (90.7 MHz) and Channel 234B (99.7 MHz) for Channel 236A (95.1 MHz) at Bon Accord, New Brunswick at the current reference coordinates for Channel 236A at Bon Accord. The firm of *Elder Engineering, Inc.*, based in King City, Ontario, was retained to negotiate the proposal with the DOC. A letter from Mr. Gordon Elder is attached to this proposal specifying the Canadian agreement to channel substitutions subject to FCC approval (*Figure 1*, attached).

Millinocket is located in Penobscot County, Maine. The 1980 U.S. Census lists Millinocket with a population of 7,567 persons and the population of Penobscot County at 45,974 persons.

WSYY - FM is a second aural outlet for Millinocket, Maine. The only other currently existing aural outlet is WSYY-AM, operating on 1240 kHz and both facilities are co-owned by **Katahdin Communications, Inc.**

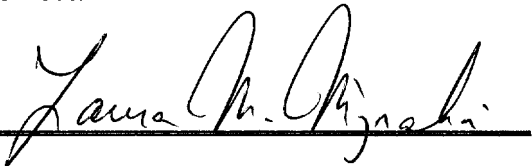
An allocation study has been conducted for the proposed Channel 236C1 operation at Millinocket, Maine, (Table I) utilizing the site coordinates for the existing WSYY-FM facility. The only short spacing is to the current Bon Accord, New Brunswick allocation on Channel 236A.

Additional allocation studies have been performed on the proposed allocation substitutions for Bon Accord, New Brunswick on Channel 214A (Table II) and Channel 234B (Table III). The Channel 214A study indicates there are no short spacings from the Channel 236A reference coordinates for Bon Accord. The Channel 234B study, also run at the Bon Accord reference coordinates, shows the only US/Canadian short spacing to be that to the existing WSYY operation on Channel 235C2. The remaining resulting short spacings would be to Canadian facilities which have been approved by the DOC as indicated in the attached letter from Mr. Elder.

The minimum distance separation requirements of *Sections 73.207(b)(2)* regarding US/Canadian assignments has been reviewed with respect to the instant proposal. The minimum separation between a Class B and a second adjacent Class C1 facility under this requirement is 115 km, with the distance between the Bon Accord, New Brunswick reference coordinates and the WSYY transmitter site being 139.3 km. Therefore, the proposal meets the criteria of *Section 73.207(b)(2)*.



The foregoing was prepared on behalf of **Katahdin Communications, Inc.** by, Laura M. Mizrahi of *Communications Technologies, Inc.*, Marlton, New Jersey, whose qualifications are a matter of record with the Federal Communications Commission. The statements herein are true and correct of her own knowledge, except such statements made on information and belief, and as to these statements she believes them to be true and correct.

By 

**Laura M. Mizrahi**  
for Communications Technologies, Inc.  
Marlton, New Jersey 08053

**SUBSCRIBED AND SWORN TO** before me

this 2<sup>nd</sup> day of August, 1991,

, NOTARY PUBLIC

**KATHLEEN A. STEVENS**  
NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES MARCH 28, 1993

TABLE I  
ALLOCATION STUDY - PROPOSED CHANNEL 236C1  
WSYY-FM - MILLINOCKET, MAINE

AUGUST 1991

Search of Channel 236C1 (95.1 MHz), at N. 45 42 58, W. 68 47 54.

CALL	CITY	ST	CHN	CL	S	DIST	REQ. SEPN	BRNG	CLEARANCE
WKSQ	Ellsworth	ME	233	B	L	118.5	79.0	172.6°	39.5
WHOM	Mount Washington	NH	235	C	L	254.6	209.0	230.9°	45.6
ALC	Millinocket	ME	235	C2	U	7.7	158.0	127.8°	-150.3
WSYYFM	Millinocket	ME	235	C2	C	0.0	158.0	0.0°	-158.0
ALC	Bon Accord	NB	236	A		139.3	239.0	41.9°	-99.7 *
CFAI-2	Kedgwick	NB	237	A		243.9	164.0	27.6°	79.9
CBVFM	Quebec	QU	237	C1		217.0	217.0	305.9°	-0.0
ALC	Kedgwick	NB	237	A		189.7	164.0	11.2°	25.7
WALZ	Machias	ME	237	A	L	149.0	133.0	137.0°	16.0
ALC	Winslow	ME	237	A	U	145.2	133.0	206.5°	12.2
WJBI	Winslow	ME	237	A	C	150.7	133.0	203.9°	17.7
ALC	Kedgwick	NB	237	A		189.7	164.0	11.2°	25.7
ALC	Kedgwick	NB	237	A		243.9	164.0	27.6°	79.9
WWMJ	Ellsworth	ME	239	B	L	118.5	79.0	172.7°	39.5
ALC	Lincoln	ME	289	C2	U	47.3	27.0	151.3°	20.3
WHMX	Lincoln	ME	289	C2	C	47.3	27.0	151.3°	20.3

\* See attached Petition for Rule Making.

**TABLE II**  
**ALLOCATION STUDY - PROPOSED CHANNEL 214A**  
**BON ACCORD, NEW BRUNSWICK**

AUGUST 1991

Search of Channel 214A (90.7 MHz), at N. 46 38 57, W. 67 35 35.

<u>CALL</u>	<u>CITY</u>	<u>ST</u>	<u>CHN</u>	<u>CL</u>	<u>DIST</u>	<u>REQ.</u> <u>SEPN</u>	<u>BRNG</u>	<u>CLEARANCE</u>
ALC	St-Quentin	NB	211	A	104.1	37.0	11.6°	67.1
ALC	Kedgwick	NB	211	A	105.4	37.0	10.4°	68.4
ALC	St-Quentin	NB	211	A	104.1	37.0	11.6°	67.1
CBAEFM	Campbellton	NB	213	B	176.7	132.0	25.6°	44.7
ALC	Fredericton	NB	213	A	105.0	85.0	136.2°	20.0
ALC	Moncton	NB	214	B	214.2	206.0	105.2°	8.2
ALC	Mont-Citadelle	QU	214	A	196.5	132.0	312.3°	64.5
CBZBFM	Boiestown	NB	215	A	89.6	85.0	104.1°	4.6
ALC	St-Quentin	NB	216	A	104.1	45.0	11.6°	59.1
ALC	St Francis	NB	217	A	115.6	37.0	301.0°	78.6
CBDFM	Saint John	NB	217	C	167.4	100.0	141.1°	67.4

TABLE III  
ALLOCATION STUDY - PROPOSED CHANNEL 234B  
BON ACCORD, NEW BRUNSWICK

AUGUST 1991

Search of Channel 234B (94.7 MHz), at N. 46 38 57, W. 67 35 35.

CALL	CITY	ST	CHN	CL	DIST	REQ. SEPN	BRNG	CLEARANCE
NEW	Saint John	NB	231	C	167.4	106.0	141.1°	61.4
ALC	Edmundston	NB	232	C	99.0	125.0	326.3°	-26.0 *
WKSQ	Ellsworth	ME	233	B	L 234.8	169.0	199.6°	65.8
ALC	Moncton	NB	233	B	224.6	164.0	105.8°	60.6
ALC	Vianney	QU	234	C1	317.9	271.0	258.1°	46.9
ALC	Middleton	NS	235	C	277.4	209.0	129.0°	68.4
CIEUFM	Carleton	QU	235	C	200.1	209.0	34.0°	-8.9 *
ALC	Trois-Pistoles	QU	235	A	201.1	132.0	323.8°	69.1
WSYYFM	Millinocket	ME	235	C2	C 139.3	169.0	221.9°	-29.7 **
ALC	Bon Accord	NB	236	A	0.0	76.0	0.0°	-76.0
CFAI-2	Kedgwick	NB	237	A	114.3	69.0	10.4°	45.3
ALC	Kedgwick	NB	237	A	99.0	69.0	326.3°	30.0
W237AH	Houlton	ME	237	D	L 65.7	0.0	196.3°	65.7
ALC	Kedgwick	NB	237	A	99.0	69.0	326.3°	30.0
ALC	Kedgwick	NB	237	A	114.3	69.0	10.4°	45.3
ALC	Fredericton	NB	287	C	105.0	40.0	136.2°	65.0

\* See attached Petition for Rule Making.

\*\* See attached Petition for Rule Making with respect to Section 73.207 (b)(2) regarding U.S./Canadian minimum distance separation requirements.

# ELDER ENGINEERING INC.

P.O. BOX 10, KING CITY, ONTARIO  
LOG 1K0

BROADCAST AND  
COMMUNICATIONS  
CONSULTANTS

TEL. 833-5141  
FAX. 833-2101  
AREA CODE 416

September 21, 1990

Mr. Clarence M. Beverage  
Communications Technologies Inc.  
Broadcast Engineering Consultants  
P.O. Box 1130  
Marlton, NJ  
U.S.A. 08053

Dear Mr. Beverage:

RE: WSYF-FM Millinocket, ME

As noted in our previous discussions and correspondence, WSYF now operates on channel 235C2, with 25 kW max, at 210.8m. A power increase to 100 kW on 236 C1 at the same site and height, is under consideration. However, it would be severely short spaced to 236A, Bon Accord NB.

As you know, we conducted a frequency search at Bon Accord, studied the overall situation, discussed the results and proposals with Sami Zeitouni, head of DOC's FM engineering section.

Mr. Zeitouni later noted that upgrading WSYF's assignment to 236C1 would be acceptable, subject to substitution of 214A and 234B for 236A, Bon Accord, using the current coordinates for channel 236A. These changes would first have to be proposed by the FCC, of course.

It would be appropriate to include a copy of this letter with the application by Katahdin Communications Inc., as evidence of our understanding.

Thankyou for contacting us, concerning this interesting allocation engineering problem.

Yours truly,



J. Gordon Elder, P. Eng.

JGE/sb

cc James Talbot  
cc Sami Zeitouni


CERTIFICATE OF SERVICE

I, Yvonne C. Skinner, a secretary in the firm of Mullin, Rhyne, Emmons and Topel, P.C., do hereby certify that on this 31st day of October, 1991, that I have caused a copy of the attached "PETITION FOR RULE MAKING" to be hand delivered to the offices of the following:

Andrew J. Rhodes, Esq.  
Chief, Allocations Branch  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 8322  
Washington, D.C. 20554

Michael Ruger, Esquire  
Assistant Chief, Allocations Branch  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 8322  
Washington, D.C. 20554

Ms. Kathleen Scheuerle  
Allocations Branch  
Federal Communications Commission  
2025 M Street, N.W., Room 8317  
Washington, D.C. 20554

  
Yvonne C. Skinner